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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,682	07/05/2001	Jose Guterman	INTL-0594-US (P11735)	2665

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EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,682

Applicant(s)

GUTERMAN, JOSE

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Pre-Appeal Conference Decision mailed out on 11/02/05. Claims 1-27 are pending prosecution.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The term "substantially" in claims 11 and 21 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock (USPN: 6,721,787) further in view of Phillips (USPN: 6,188,898).

As to claim 1, Hiscock teaches a method comprising enabling a mobile unit to access a base station (see col. 3 lines 13-20 and lines 52-60).

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However, Hiscock does not explicitly indicate downloading interface software when the mobile unit accesses the base station.

Phillips teaches downloading interface software when the mobile unit accesses the base station (col 1, line 65 to col 2, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Phillips into those of Hiscock in order to make the mobile communications system exhibit improved functionality. Allowing a mobile communications system that can service mobile terminals having different operating protocols would server a vast variety of devices/consumers.

As to claim 2, Hiscock teaches the method of claim 1 including initiating the downloading from the base station (see col. 6 lines 5-20).

As to claim 3, Hiscock teaches the method of claim 1 including initiating the downloading by the mobile unit (see col. 6 lines 5-20).

As to claims 4 and 15, Hiscock teaches the method and medium of claims 1 and 13 respectively including detecting a triggering event and in the response to the detection of said triggering event, determining whether interface software has been downloaded (see col. 3 lines 61-col. 4 lines 4).

As to claims 5 and 16, Hiscock teaches the method and medium of claims 4 and 15 respectively wherein if interface software has not been downloaded, downloading the interface software (see col. 6 lines 24-57).

As to claims 6 and 17, Hiscock teaches the method and medium of claims 4 and 15 respectively wherein if the interface software has not been downloaded, using default software (see col. 6 lines 24-57).

As to claims 7 and 18, Hiscock teaches the method and medium of claims 1 and 12 respectively wherein downloading interface software includes downloading new versions of an air interface protocol (see col. 3 lines 1-31).

As to claims 8 and 19, Hiscock teaches the method and medium of claim 1 and 12 respectively wherein downloading interface software includes downloading software suitable for a particular geographic area (see col. 3 lines 1-31).

As to claims 9 and 20, Hiscock teaches the method and medium of claims 1 and 12 respectively wherein downloading interface software includes downloading software to address interface compatibility problems (see col. 6 lines 29-47).

As to claim 10 and 22, Hiscock teaches the method and medium of claims 1 and 12 respectively including downloading an update to an air interface protocol (see col. 3 lines 1-31).

As to claims 11 and 21, Hiscock teaches the method and medium of claim 1 and 12 respectively including downloading substantially the entire air interface protocol (see col. 3 lines 1-31).

As to claim 12, Hiscock teaches an article comprising a medium storing instructions that enable a processor-based system to: enable a mobile unit to access a base station; and automatically download interface software when the mobile unit accesses the base station (see col. 3 lines 13-20 and lines 52-60 and col. 6 lines 5-20).

As to claim 13, Hiscock teaches the article of claim 12 further storing instructions that enable the interface software to be downloaded at the initiation of the base station (see col. 6 lines 5-20).

As to claim 14, Hiscock teaches the article of claim 12 further storing instructions that enable the processor-based system to initiate the downloading of the interface software (see col. 6 lines 5-20).

As to claim 23, Hiscock teaches a wireless device comprising: a processor; and a storage coupled to said processor, said storage storing 'instructions to automatically download interface software when the device accesses a base station (see col. 3 lines 13-20 and lines 52-60 and col. 6 lines 5-20).

As to claim 24, Hiscock teaches the device of claim 21 wherein said device is a wireless telephone (see col. 3 lines 13-25).

As to claim 25, Hiscock teaches the device of claim 21 wherein said processor receives an interface software download from the base station (see col. 6 lines 5-20).

As to claim 26, Hiscock teaches the device of claim 21 wherein said processor detects a triggering event in response to the detection of the triggering event determines whether interface software has been downloaded (see col. 3 lines 61-col. 4 lines 4).

As to claim 27, Hiscock teaches the device of claim 22 wherein said processor downloads the interface software if the interface software has not already been downloaded (see col. 6 lines 24-57).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AMN


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER